

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza
New York, NY 10006-1470

T: +1 212 225 2000

F: +1 212 225 3999

clearygottlieb.com

WASHINGTON, D.C. • PARIS • BRUSSELS • LONDON • MOSCOW
FRANKFURT • COLOGNE • ROME • MILAN • HONG KONG
BEIJING • BUENOS AIRES • SÃO PAULO • ABU DHABI • SEOUL

THOMAS J. MOLONEY
STEVEN M. LOEB
CRAIG B. BROD
NICOLAS GRABAR
HOWARD S. ZELBO
DAVID E. BRODSKY
RICHARD J. COOPER
JEFFREY S. LEWIS
PAUL J. SHIM
STEVEN L. WILNER
ANDRES DE LA CRUZ
DAVID C. LOPEZ
MICHAEL A. GERSTENZANG
LEVI L. DASSIN
JORGE U. JUANTORENA
MICHAEL D. WEINBERGER
DAVID LEINWAND
DIANA L. WOLLMAN
JEFFREY A. ROSENTHAL
MICHAEL D. DAYAN
CARMINO D. BOCCUZZI, JR.
JEFFREY D. KARP
KIMBERLY BROWN BLACKLOW
ROBERT J. RAYMOND
SUNG K. KANG
FRANCISCO L. CESTERO
FRANCESCA L. ODELL
WILLIAM L. MCRAE
JASON FACTOR
JOON H. KIM
MARGARET S. PEONIS
LISA M. SCHWEITZER
JUAN G. GIRALDEZ
DUANE MCLAUGHLIN
BREON S. PEACE

CHANTAL E. KORDULA
BENET J. O'REILLY
ADAM E. FLEISHER
SEAN A. O'NEAL
GLENN P. MCGRORY
MATTHEW P. SALERNO
MICHAEL J. ALBANO
VICTOR L. HOU
ROGER A. COOPER
AMY R. SHAPIRO
JENNIFER KENNEDY PARK
ELIZABETH LENAS
LUKE A. BAREFOOT
JONATHAN S. KOLODNER
DANIEL ILAN
MEYER H. FEDIDA
ADRIAN R. LEIPSIC
ELIZABETH VICENS
ADAM J. BRENNEMAN
ARI D. MACKINNON
JAMES E. LANGSTON
JARED GERBER
COLIN D. LLOYD
COREY M. GOODMAN
RISHI ZUTSHI
JANE VANLARE
DAVID H. HERRINGTON
KIMBERLY R. SPOERRI
AARON J. MEYERS
DANIEL C. REYNOLDS
ABENA A. MAINOO
HUGH C. CONROY, JR.
JOSEPH LANZKRON
MAURICE R. GINDI
KATHERINE R. REAVES

RAHUL MUKHI
ELANA S. BROWNSON
MANUEL SILVA
KYLE A. HARRIS
LINA BENSMAN
ARON M. ZUCKERMAN
RESIDENT PARTNERS
SANDRA M. ROCKS
JUDITH KASSEL
PENELOPE L. CHRISTOPHORO
BOAZ S. MORAG
MARY E. ALCOCK
HEIDE H. LGENFRITZ
KATHLEEN M. EMBERGER
AVRAM E. LUFT
ANDREW WEAVER
HELENA K. GRANNIS
JOHN V. HARRISON
CAROLINE F. HAYDAY
NEIL R. MARKEL
KENNETH S. BLAZEJEWSKI
LAURA BAGARELLA
JONATHAN D.W. GIFFORD
SUSANNA E. PARKER
DAVID W.S. YUDIN
RESIDENT COUNSEL
LOUISE M. PARENT
OF COUNSEL

February 5, 2021

VIA ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: Securities and Exchange Commission v. Daniel B. Kamensky, 1:20-cv-07193

Dear Judge Caproni:

We represent defendant Daniel B. Kamensky in the above-referenced action. Pursuant to an order dated October 21, 2020, the Court stayed this matter “in its entirety” until the “conclusion of Defendant’s criminal proceedings.” Order, ECF No. 20. The Court also directed the parties to provide joint status reports every six months and advise the Court if the defendant “pleads guilty or a verdict has been reached after trial.” *Id.*

This letter is to advise the Court that on February 3, 2021, Mr. Kamensky pled guilty before the Honorable Denise L. Cote to an Information charging him with one count of bankruptcy fraud in violation of 18 U.S.C. § 152(6). The sentencing date has been set for May 7, 2021.

We understand from the Court’s October 21, 2020 order that this matter will remain stayed through “the conclusion of Defendant’s criminal proceedings,” i.e., the sentencing. We will provide an update to the Court promptly following the sentencing or if the sentencing is adjourned to a later date. The SEC takes no position on the stay.

The Honorable Valerie E. Caproni
U.S. District Court for the S.D.N.Y., p. 2

Respectfully submitted,

/s/ Joon H. Kim

Joon H. Kim

Alexander Janghorbani

Cleary Gottlieb Steen & Hamilton LLP

One Liberty Plaza

New York, New York 10006

(212) 225-2950

jkim@cgsh.com

/s/ Lawrence Gerschwer

Lawrence Gerschwer

Barnes & Thornburg LLP

445 Park Avenue

Suite 700

New York, New York 10022

(646) 746-2022

lawrence.gerschwer@btlaw.com

cc: Joseph P. Ceglio (via e-mail)
Alexander M. Vasilescu (via e-mail)
AUSA Richard Cooper (via e-mail)
AUSA Daniel Tracer (via e-mail)